

Rules Amending Title 19
Hawaii Administrative Rules

1. Chapter 108 of Title 19, Hawaii Administrative Rules, entitled "High Occupancy Vehicle Lanes" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

[SUBTITLE 5 MOTOR VEHICLE SAFETY OFFICE]

SUBTITLE 4 HIGHWAYS DIVISION

CHAPTER 108

HIGH OCCUPANCY VEHICLE LANES

§19-108-1	Purpose
§19-108-2	Definitions
§19-108-3	Applicability
§19-108-4	Designation of high occupancy vehicle lanes
§19-108-5	Demonstration sections of highways
§19-108-6	Traffic controls
§19-108-7	Vehicle exceptions
§19-108-8	Severability

§19-108-1 Purpose. The purpose of this chapter is to maximize the people moving capability of the state highway system, mitigate transportation-related

pollution, and reduce dependency on fossil fuels, through the use of high occupancy vehicle lanes. [Eff 09/18/06; am and comp] (Auth: HRS §291C-222) (Imp: HRS §291C-222)

§19-108-2 Definitions. As used in this chapter:

"Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a school bus or a taxicab, designed and used for the transportation of persons for compensation.

"Demonstration section" means a section of roadway used as an experimental project for improvements to validate cost-benefits.

"Department" means the [Department of Transportation] department of transportation of the State of Hawaii.

"Director" means the [Director of the Department of Transportation] director of the department of transportation or an authorized representative.

"Driver" means every person who drives or is in actual physical control of a vehicle.

"Emergency vehicle" includes such fire department vehicles, police vehicles, ambulances, and ocean safety vehicles as are publicly owned and such other publicly or privately owned vehicles as are designated by the city or county council.

"Express lane" means a rapid travel lane and may include high occupancy vehicle lanes.

"High occupancy vehicle" means a motor vehicle carrying at least two or more persons, including carpools, vanpools, and buses.

"High occupancy vehicle lane" means a designated lane of a laned roadway where the use of the designated lane is restricted to school buses, vehicles carrying at least two persons, and other vehicles as provided herein or by county ordinance.

"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excludes a farm tractor and a moped.

"Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of the director, for the purpose of regulating, warning, or guiding traffic.

"Police Officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

"Public transit bus" means a bus used in the county bus system and owned by the county or a contractor with the county.

"School bus" means every motor vehicle as defined in section 286-181, Hawaii Revised Statutes, and any [regulations] rules promulgated pursuant to that section by the [Department of Education] department of education.

"Zip or zipper lane" means a barrier-separated [HOV] high occupancy vehicle lane. [Eff 09/18/06; am and comp] (Auth: HRS §291C-222) (Imp: HRS §§291C-221, 291C-222, 291C-222.5)

§19-108-3 Applicability. These rules shall be applicable to roadways under the jurisdiction of the [Department of Transportation] department of transportation. [Eff 09/18/06; am and comp] (Auth: HRS §291C-222) (Imp: HRS §291C-222)

§19-108-4 Designation of high occupancy vehicle lanes. The following are designated as high occupancy vehicle lanes by the director when signed and marked by official traffic control devices:

- (1) [Interchange] Interstate Route H-1, Manager's Drive to Keehi Interchange,
- (2) Interstate Route H-2, Waiawa Interchange to Miliani Interchange,
- (3) Route H201, Moanalua Freeway, Halawa Interchange to Puuloa Road,
- (4) Route 72, Kalaniana'ole Highway, West Halemaumau Street to Ainakoa Avenue,
- (5) Route 92, Nimitz Highway, Keehi Interchange to Pacific Street. [Eff 09/18/06; am and comp] (Auth: HRS §291C-222) (Imp: HRS §291C-222)

§19-108-5 Demonstration sections of highways. The director may designate demonstration sections of other portions of highways as high occupancy vehicle lanes by installation of official traffic control devices when deemed necessary to improve traffic conditions. Designated demonstration sections may be in operation for a period not to exceed one calendar year. In order to make a demonstration section

effective beyond the one year period, [it] the demonstration section must be designated as a high occupancy vehicle lane by an amendment of section 19-108-4. [Eff 09/18/06; am and comp]
(Auth HRS §291C-222) (Imp: HRS §291C-222)

§19-108-6 Traffic controls. The director shall place, install and maintain traffic signs, signals, pavement markings, and other official traffic control devices to advise drivers of the high occupancy vehicle requirement and the hours of usage. Motor vehicles shall be operated in high occupancy vehicle lanes in conformance with the instructions on the signs and other official traffic control devices. [Eff 09/18/06; comp] (Auth: HRS §291C-222) (Imp: HRS §291C-222)

§19-108-7 Vehicle exceptions. The following vehicles or persons may use a high occupancy vehicle lane regardless of the number of persons in the vehicle:

- (1) Motorcycles, school buses, public transit buses, and emergency vehicles; [may use any high occupancy vehicle lane, regardless of the number of occupants.];
- (2) Drivers that utilize Kalanianaʻole Highway, located on the island of Oahu, by permit issued by the director to persons who reside on the east-bound, oceanside of Kalanianaʻole Highway between West Halemaumau Street and Ainakoa Avenue, and have no traffic signalized access onto Kalanianaʻole Highway. [Eff

09/18/06; am and comp]
(Auth: HRS §§291C-221.5, 291C-222, 291C-
222.5) (Imp: HRS §§291C-221.5, 291C-222,
291C-222.5)

§19-108-8 Severability. If any provision of
this chapter is held invalid, the invalidity shall not
affect the remaining provisions of this chapter."

Eff 09/18/06; comp] (Auth: HRS §291C-
222) (Imp: HRS §291C-222)

2. Material, except source notes, to be
repealed is bracketed. New material is underscored.

3. Additions to update source notes to reflect
these amendments and compilation are not underscored.

4. These amendments to and compilation of
chapter 19-108, Hawaii Administrative Rules, shall
take effect ten days after filing with the Office of
the Lieutenant Governor.

I certify that the foregoing are copies of the rules,
drafted in the Ramseyer format pursuant to the
requirements of section 91-4.1, Hawaii Revised
Statutes, which were adopted on _____, and
filed with the Office of the Lieutenant Governor.

Ford N. Fuchigami
Director of Transportation

APPROVED AS TO FORM:

Deputy Attorney General